

Regular Session, 2010

HOUSE BILL NO. 264

BY REPRESENTATIVE WILLMOTT

MALPRACTICE/MEDICAL: Adds certain persons to the Medical Malpractice Act and the Medical Malpractice Act for State Services

1 AN ACT

2 To amend and reenact R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and  
3 1299.41(A)(10), relative to medical malpractice; to provide for certain persons to be  
4 included in the definition of health care provider under the private and state medical  
5 malpractice acts; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and 1299.41(A)(10)  
8 are hereby amended and reenacted to read as follows:

9 §1299.39. Definitions and general application

10 A. As used in this Part:

11 (1)(a) "State health care provider" or "person covered by this Part" means:

12 \* \* \*

13 (ii) A person acting in a professional capacity in providing health care  
14 services, by or on behalf of the state, including but not limited to a physician,  
15 psychologist, coroner, and assistant coroner who is a licensed physician when acting  
16 solely in accordance with the Mental Health Law as provided in R.S. 28:50 et seq.,  
17 provided that the premium costs of such malpractice coverage shall be the  
18 responsibility of the coroner's office, dentist, registered nurse, licensed practical  
19 nurse, nurse practitioner, clinical nurse specialist, pharmacist, optometrist, podiatrist,  
20 physical therapist, ~~laboratory or X-ray technician,~~ occupational therapist, licensed

respiratory therapist, licensed radiologic technologist, licensed clinical laboratory scientist, social worker, hospital administrator, or licensed professional counselor,  
who is either:

\* \* \*

## §1299.41. Definitions and general applications

A. As used in this Part:

\* \* \*

(10) "Health care provider" means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution licensed or certified by this state to provide health care or professional services as a physician, hospital, nursing home, community blood center, tissue bank, dentist, registered or licensed practical nurse or certified nurse assistant, offshore health service provider, ambulance service under circumstances in which the provisions of R.S. 40:1299.39 are not applicable, certified registered nurse anesthetist, nurse midwife, licensed midwife, nurse practitioner, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, psychologist, social worker, licensed professional counselor, licensed perfusionist, licensed respiratory therapist, licensed radiologic technologist, licensed clinical laboratory scientist, or any nonprofit facility considered tax-exempt under Section 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis and treatment of cancer or cancer-related diseases, whether or not such a facility is required to be licensed by this state, or any professional corporation a health care provider is authorized to form under the provisions of Title 12 of the Louisiana Revised Statutes of 1950, or any partnership, limited liability partnership, limited liability company, management company, or corporation whose business is conducted principally by health care providers, or an officer, employee, partner, member, shareholder, or agent thereof acting in the course and scope of his employment.

\* \* \*

---

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Willmott

HB No. 264

**Abstract:** Adds licensed respiratory therapists, radiologic technologists, and clinical laboratory scientists to the definition of "health care provider" for the purposes of the medical malpractice acts for state and private services.

Present law defines "health care provider" for the purposes of the Medical Malpractice Act for both state and private services.

Proposed law adds licensed respiratory therapists, licensed radiologic technologists, and licensed clinical laboratory scientists to the definition of "health care provider" under both the state and private medical malpractice acts.

Present law includes occupational therapists in the definition of "health care provider" in the Medical Malpractice Act for private services.

Proposed law adds occupational therapists to the definition of "state health care provider".

(Amends R.S. 40:1299.39(A)(1)(a)(ii)(intro. para.) and 1299.41(A)(10))